

**Government of Maharashtra
Revenue and Forest Department
Government Circular No. FLD-2019/C.R.119/F-10
Mantralaya, Mumbai 400 032.
Date: 25.03.2021**

Read:-

- 1) Additional Principal Chief Conservator of Forests & Nodal Officer, Maharashtra State, Nagpur, Letter No. Desk-17/NC/Nocel/1/I.D./19-20/41, dt.10.04.2019.
- 2) Ministry of Environment, Forests & Climate Change, Government of India, New Delhi Letter F. No.FC-11-203/2019-FC, dt.11.10.2019.
- 3) Ministry of Environment, Forests & Climate Change, Government of India, New Delhi Letter F. No.FC-11-203/2019-FC, dt.10.01.2020.

Preamble:-

The Additional Principal Chief Conservator of Forests & Nodal Officer, Maharashtra State has submitted proposal for authorization to concerned Chief Conservator of Forests (T) for granting permission for execution of temporary work in Forest Land vide letter referred at Sr. No. 1.

Ministry of Environment, Forests & Climate Change, Government of India vide letters referred at Sr. No. 3 & 4, has issued following guidelines for execution of temporary work in Forest Land, which does not involve tree cutting.

*"... .. temporary work in forest land which does not involve part of any Protected Area, breaking up or clearing of forest land or portion thereof, or assigning by way of lease or otherwise to the firm, person or organization using such forest land temporarily; and does not create any right on such forest land of such firm, person or organization, will not require prior approval of Central Government under the FC Act. **State Governments and Union Territory Administrations may authorize Officer not below the rank of Divisional Forests Officer (DFO) having jurisdiction over the forest land proposed to be utilized temporarily, to accord permission for such temporary activities.***

*While taking such decisions, it shall be ensured that such use of forest land is unavoidable, for **public purposes and of emergent nature**. Such temporary use of forest land may be allowed for a period not exceeding two weeks. Before allowing temporary use of such land, however, such authority shall ensure that there is no alternate non-forest land available for the proposed temporary use."*

Circular:-

In accordance with Ministry of Environment, Forests & Climate Change, Government of India's above guidelines, The State Government hereby authorizes the concerned Chief Conservator of Forests (Territorial) for granting permission for execution of temporary work in Forest Land. The Procedure in this regard is laid down as under:-

A) Under Normal Circumstances:-

The User Agency shall submit the proposal to the Deputy Conservator of Forests (T) / Divisional Forest Officer (T) / Independent Sub-Divisional Forest Officer (T), having

jurisdiction over the proposed forest area, along with the Undertakings and Certificates as mentioned below—

- 1) Undertaking, that the proposed temporary work in the forest land **does not involve part of any Protected Area, tree cutting, breaking up or clearing of forest land** or portion thereof.
- 2) Undertaking, that the proposed use is meant only for temporary work and shall not create any right on such forest land of any firm, person or organization whatsoever,
- 3) Undertaking that the proposed use does not involve assigning by way of lease or otherwise in favour of the firms, person or organization using such forest land temporarily.
- 4) The User Agency shall also furnish a Certificate under the signature and seal of the Collector that no appropriate non-forest land is available for the proposed activity of **public purposes and of emergent nature**, and the proposed forest land is unavoidable.
- 5) After receiving the proposal from the User Agency as stated above, the Deputy Conservator of Forests (T) / Divisional Forest Officer (T) / Independent Sub-Divisional Forest Officer (T) after scrutinizing the same and determining its completeness, **shall forward the proposal to concerned Chief Conservator of Forests (Territorial). then, the Chief Conservator of Forests (Territorial) may grant the permission for execution of temporary work.**
- 6) The decision of the Chief Conservator of Forests (T) shall be final.

B) When the Model Code of Conduct is in force:-

The User Agency shall submit the proposal to the District Collector along with the following Undertakings—

- 1) Undertaking, that the proposed temporary work in the forest land **does not involve part of any Protected Area, tree cutting, breaking up or clearing of forest land** or portion thereof.,
- 2) Undertaking, that the proposed use is meant only for temporary work and shall not create any right on such forest land of any firm, person or organization whatsoever,
- 3) Undertaking, that the proposed use does not involve assigning by way of lease or otherwise in favour of the firms, person or organization using such forest land temporarily.
- 4) After receiving the proposal from the User Agency as stated above, **the Collector shall scrutinize the same in accordance with the prevailing statutory provisions, especially in light of the prevailing Model Code of Conduct and after determining its completeness, shall forward it to the concerned Deputy Conservator of Forests (T) / Divisional Forest Officer (T) / Independent Sub-Divisional Forest Officer (T), having jurisdiction over the proposed forest land. then, the Deputy Conservator of Forests (T) / Divisional Forest Officer (T) / Independent Sub-Divisional Forest Officer (T) shall scrutinize the proposal, determine its completeness and he shall forward it to concerned Chief Conservator of Forests (Territorial) for grant of permission for execution of temporary work.**

- 5) While forwarding the proposal to the DCF/DFO/ Sub-DFO as stated above, the Collector shall also furnish a Certificate under his signature and seal, that the proposed temporary use of the forest land shall not amount to violation of Model Code of Conduct.
- 6) After receiving the proposal from the Collector & Deputy Conservator of Forests (T) / Divisional Forest Officer (T) / Independent Sub-Divisional Forest Officer (T), concerned Chief Conservator of Forests (Territorial) may grant the permission for execution of temporary work.
- 7) The decision of the Chief Conservator of Forests (T) shall be final.

General Instructions:-

- 1) Under no circumstances, the permission for the use of land in the National Parks, Sanctuaries, Tiger Reserves, Conservation Reserves, Community Reserves and Protected areas shall be granted under these Guidelines.
- 2) The permission under these guidelines shall, in no case be granted for more than two weeks.
- 3) The cost of restoring the forest land after its temporary use @ Rs.10,000/- per ha per day [This amount shall be the minimum. The actual cost may vary from case to case basis and shall be determined by the concerned Deputy Conservator of Forests (T) / Divisional Forest Officer (T) / Independent Sub-Divisional Forest Officer (T)] & shall be recovered from the User Agency by the Deputy Conservator of Forests, in Advance.
- 4) In case, **the temporary use of the forest land is intended for the dignitaries e.g. Hon'ble President, Hon'ble Vice President, Hon'ble Governor, Hon'ble Prime Minister, Hon'ble Chief Minister, the Collector shall also act as the User Agency.**
- 5) In case of forest lands in possession of the Revenue Department, the Collector shall also act as the User Agency.
- 6) In case of Identified Forests [Identified as per Hon'ble Supreme Court Order dated 12.12.1996 in WP 202/1995], the concerned person or the Authority having jurisdiction over the proposed forest land, shall act as the User Agency.

This Government Circular of Maharashtra Government is available on its website www.maharashtra.gov.in with Reference no. 202103251604203419. This Circular has been signed digitally.

By order and in the name of the Governor of Maharashtra,

(Arvind Apte)
Chief Conservator of Forests (Mantralaya)

Copy:

1. Secretary, Ministry of Environment & Forests, Government of India, New Delhi.
2. Principal Chief Conservator of Forests (HoFF), Maharashtra State, Nagpur.
3. Principal Chief Conservator of Forests (Wildlife), Maharashtra State, Nagpur.
4. Additional Principal Chief Conservator of Forests and Nodal Officer, Nagpur.

5. Additional Principal Chief Conservator of Forests (Conservation), Nagpur.
6. Divisional Commissioner, Konkan / Pune / Nashik / Aurangabad / Amravati / Nagpur.
7. Regional Officer, Ministry of Environment, Forests & Climate Change, Government of India, Integrated Regional Office, Nagpur.
8. Chief Conservator of Forests (Territorial), Thane / Pune / Nashik / Kolhapur / Aurangabad / Nagpur / Chandrapur / Gadchiroli/ Amravati/ Yavatmal / Dhule.
9. All Collectors.
10. All Deputy Conservator of Forests (T) / Divisional Forest Officers (T) / Independent Sub Divisional Forest Officers (T).
11. Select File (F-10).